

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WILLIE DAVIS, JR., NATHANIEL)
BRIDDELL, GEORGE W. FEDDIMAN,)
JOSEPH GARISON, LARRY E. GIBBS,)
ROY H. WALTERS, and ALL)
SIMILARLY-SITUATED CURENT AND)
FORMER EMPLOYEES OF)
MOUNTAIRE FARMS, INC.,)
MOUNTAIRE FARMS OF DELMARVA,)
INC., and MOUNTAIRE FARMS OF)
DELAWARE, INC.,)

Plaintiffs,)

v.)

MOUNTAIRE FARMS, INC., a Delaware)
corporation, MOUNTAIRE FARMS OF)
DELMARVA, a Delaware corporation,)
and MOUNTAIRE FARMS OF)
DELAWARE, INC., a Delaware)
corporation,)

Defendants.)

Civil Action No. 04-414-KAJ

FIRST AMENDED SCHEDULING ORDER

This 22nd day of September, 2006, the Scheduling Order dated November 23, 2004 (D.I. 12) is amended as follows:

1. Settlement Conference. Pursuant to 28 U.S.C. § 636, this matter is referred to the United States Magistrate for the purpose of exploring the possibility of a settlement.

2. Case Dispositive Motions. All case dispositive motions were filed on September 15, 2006. Briefing will be presented pursuant to the Court's Local Rules.

3. Pretrial Conference. On February 22, 2007, the Court will hold a Final Pretrial Conference in Chambers with counsel beginning at 4:30 p.m. Unless otherwise ordered by the Court, the parties should assume that filing the pretrial order satisfies the pretrial disclosure requirement of Federal Rule of Civil Procedure 26(a)(3). The parties shall file with the Court the joint proposed final pretrial order with the information required by the form of Final Pretrial Order which accompanies this Scheduling Order on or before January 22, 2007.

4. Motions *in Limine*. Motions *in limine* shall not be separately filed. All *in limine* requests and responses shall be set forth in the proposed pretrial order. Each party shall be limited to five *in limine* requests, unless otherwise permitted by the Court. The motion and response thereto shall contain the authorities relied upon, and no single *in limine* request shall have more than five pages of argument associated with it. No separate briefing shall be submitted on *in limine* requests, unless otherwise permitted by the Court.

5. Jury Instructions, Voir Dire, and Special Verdict Forms. Where a case is to be tried to a jury, pursuant to Local Rules 47 and 51 the parties should file proposed voir dire, instructions to the jury, and special verdicts and interrogatories three full business days before the final pretrial conference. That submission shall be accompanied by a computer diskette (in WordPerfect format) which contains a copy of these instructions and proposed voir dire and special verdicts and interrogatories.

6. Trial. This matter is scheduled for a 4 day jury trial beginning at 9:30 a.m. on March 19, 2007. For the purpose of completing pretrial preparations, counsel should plan on each side being allocated a total of 10 hours to present their case.


UNITED STATES DISTRICT JUDGE